

S.B. CR.MISC.BAIL APPLICATION NO.1815/2007.

Mustafa Khan and ors. Vs. State

Date of order : 10/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri S.S. Hasan with
Shri S.A.A. Naqvi for the petitioners.
Shri S.N. Gupta P.P. for the State.
Shri Ashvin Garg for the complainant.

Heard learned counsel for the petitioner, learned Public Prosecutor for the State as well as learned counsel for the complainant and perused the relevant documents placed before me.

Learned counsel for the petitioner argued that the main allegations are against their respective sons and no specific role or overt act has been assigned to any of the accused persons except of conspiracy under Section 120B IPC. It is argued that petitioners No.1 to 3 are in confinement since 16/12/2006, 20/12/2006 and 3/12/2006, respectively and the evidence of conspiracy against them is of very weak nature.

Learned Public Prosecutor and the learned counsel for the complainant have both opposed the bail application and argued that the bail application may be rejected.

Without expressing any opinion on the merits of this case but taking into consideration the facts and circumstances of the case, especially the fact that no specific overt act has been assigned to the petitioners and they are in confinement since last more 1815/2007

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than three months, I deem it appropriate to enlarge the petitioners on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioners Mustafa Khan S/o Nisar Khan, Nabisher S/o Nisar Khan and Salim Khan S/o Nisar Khan shall be released on bail in F.I.R. No.270/2006 P.S. Malarna Dungar, District Jaipur subject to their furnishing a personal bond in the sum of Rs.20,000/- together with two sureties in the sum of Rs.10,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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